

REMARKS

Claims 1-8 are currently being examined, of which claim 7 has been amended herein.

A. The Examiner has objected to Figures 10, 11A, and 11B, and has suggested that such drawings should be designated by a legend such as "prior art" because only that which is old is illustrated.

Applicants respectfully traverse this objection, for the following reasons.

The Examiner is suggesting that the inventors make a legal admission that Figures 10, 11A, and 11B are "prior art." However, under U.S. patent practice, the term "prior art" has a **special meaning as defined by 35 USC 102 and 103**. It is submitted that the term "prior art" only be used when it is appropriate.

In the subject application, Figures 10, 11A, and 11B are discussed in this section: "Description of Relevant Art." Additionally, the term "conventional" is used in a description of Figure 10. The phrase "prior art" was never explicitly used to describe Figures 10, 11A, and 11B in the subject application.

Certain art may be considered to be "conventional" to one inventive entity, but not to the public in general in some circumstances. This is the case, for example, when an inventor has made an improvement on his or her own prior invention. An inventor's own foundational work should not, unless there is a statutory bar, be treated as "prior art" solely because knowledge of this work is admitted. In view of the above, it may be argued that "conventional art" is not always the same as "prior art."

Firstly, the Examiner has not yet demonstrated that Figures 10, 11A, and 11B satisfy any of the criteria required by 35 USC 102 or 103 for a drawing to be considered as "prior art." For example, in the objection to Figures 10, 11A, and 11B, the Examiner did not cite any **printed publication describing Figures 10, 11A, and 11B more than one year prior to the date afforded the subject application.**

Secondly, the Examiner has not identified any portion of the disclosure of the subject application which identified Figures 10, 11A, and 11B by explicitly using the phrase "prior art."

A label has been added to Figures 10, 11A, and 11B: "RELATED ART."

It is submitted that the label "Related Art" on Figures 10, 11A, and 11B adequately demonstrates that Figures 10, 11A, and 11B do not depict all aspects of the claimed features, and helps distinguish Figures 10, 11A, and 11B from the other drawings.

Accordingly, Applicants respectfully submit that this objection to the drawings should be withdrawn.

B. The Examiner has mentioned the Abstract.

The Examiner has mentioned some guidelines regarding the format for an Abstract.

The Abstract has been amended herein. Applicants respectfully believe that the Abstract, as amended,

complies with the length-related guidelines.

C. The Examiner has rejected claim 7 under 35 USC 101 as being directed to non-statutory subject matter.

Claim 7 (lines 1 and 2) has been amended herein in a manner intended to overcome this rejection. Also, in claim 7, a change in line 24 has been made in a manner intended to correct an informality.

Accordingly, Applicants respectfully submit that this rejection should be withdrawn.

In view of the aforementioned amendments and remarks, all claims currently pending are in condition for examination.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

U.S. Patent Application Serial No. 10/644,802
Response filed April 4, 2007
Reply to OA dated January 9, 2007

In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due now or in the future with respect to this application, to Deposit Account No. 01-2340.

Respectfully submitted,
ARMSTRONG, KRATZ, QUINTOS,
HANSON & BROOKS, LLP



Darren Crew
Attorney for Applicants
Reg. No. 37,806

DC/llf
Atty. Docket No. 031018
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



23850

PATENT TRADEMARK OFFICE

Enclosures: Replacement Sheets of Drawings (Figs. 10, 11A, and 11B)
Substitute Abstract of the Disclosure

U.S. Patent Application Serial No. 10/644,802
Response filed April 4, 2007
Reply to OA dated January 9, 2007

AMENDMENT TO THE DRAWINGS:

The attached sheets of drawings include Figs. 10, 11A, and 11B. These sheets replace the original sheets including Figs. 10, 11A, and 11B. In Figs. 10, 11A, and 11B, the label "Related Art" has been added.